



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).No.22624 of 2019

and

W.M.P(MD).Nos.19377 and 19378 of 2019

P.Nagarajan

... Petitioner

Vs.

1.The State Human Rights Commission-Tamil Nadu,
Rep., by its Registrar (Law),
No.143, P.S.Kumarasamy Raja Salai,
Chennai-600 028.

2.The District Ad-Dravidar and Tribunal Welfare Officer,
Pudukkottai District,
Pudukkottai.

3.The Chief Educational Officer,
Pudukkottai District,
Pudukkottai.

4.C.Kumar
Respondents

...

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to impugned complaint of the fourth respondent in S.H.R.C.No.4247 of 2018 dated 07.05.2018 pending on the file of the first respondent and quash the same as arbitrary and illegal.

For Petitioner : Mr.A.Mohan

For Respondents : Mr.C.Arul Vadivel @ Sekar (for R1)
Mr.A.Muthukaruppan (for R2 & R3)
Additional Government Pleader

O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

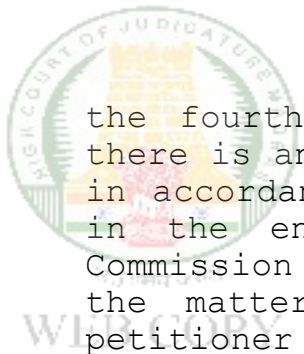
Heard Mr.A.Mohan, learned counsel appearing for petitioner, Mr.C.Arul Vadivel @ Sekar, learned counsel appearing for first respondents and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for respondents 2 and 3.



2.The petitioner, who is working as Head Master in the Government Adi-Dravidar Welfare Higher Secondary School, Mullankurichi, Pudukkottai District, has approached this Court for issuance of Writ of Certiorari to quash the complaint filed by the fourth respondent before the first respondent/State Human Rights Commission.

3.The petitioner's case is that the complaint lacks material averments to attract the provisions of the Human Rights Act and the complainant is not a victim nor a relative of the victim, but he is the stranger, who was nothing to do with the school in question. Further, the complaint does not disclose any materials as to how the matter can be entertained by the State Human Rights Commission. Further, it is submitted that the allegations are made against the petitioner only to harass the petitioner and to give disturbance to the petitioner, who has been recognised by the public and parents for his selfless service in impactive quality education to the student of the Government Adi-Dravidar Higher Secondary School and also motivating the other teachers to efficiently run the Institution. Further, the petitioner would state that there is a *mala fide* reason for the fourth respondent to approach the Human Rights Commission, because the fourth respondent wanted to become the President of the Parent Teachers Association and at the relevant time, the petitioner was working as an Assistant Head Master and when the request was refused, the fourth respondent became enimical towards the petitioner and started giving pinpricks to the petitioner spreading false message against the petitioner in the social media. Therefore, the petitioner lodged a police complaint before the Inspector of Police, Karampakudi Police Station stating that the fourth respondent is preventing the teachers from discharging their duties under the guise of he being the social activist. Therefore, it is submitted that the State Human Rights Commission should consider the maintainability of the petition, that too, the long unexplained delay in filing the complaint before the Commission. It is seen that the petitioner has filed a detailed counter affidavit before the Commission. Learned Standing counsel appearing for the Commission submitted that the Commission has enquired into the matter and only if it is fully satisfied that the *prima facie* case is made out for entertaining the complaint under the provisions of Human Rights Act, 1993, the same will be taken on file and the averments set out by the petitioner in the counter affidavit will be considered by the Commission and thereafter only, decision will be taken.

4.Considering the fact that the complaint is now pending on the file of the first respondent, it will not be appropriate to quash the complaint, but this Court can make an observation requesting the Commission to consider the preliminary objection raised by the petitioner and also the *mala fide* which has been attributed against



the fourth respondent and then arrive at decision as to whether there is any case of alleged Human Rights violation and then proceed in accordance with law. The petitioner is directed to participate in the enquiry and produce a copy of this order before the Commission so that the Commission can take an informed decision in the matter. It is submitted by the learned counsel for the petitioner that the petitioner does not have sufficient leave and he is required to be present in the school and he has engaged a counsel in the event, the petitioner wants his presence to dispense with the request may be made to the Commissioner, which can be considered in accordance with law.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The State Human Rights Commission-Tamil Nadu,
Rep., by its Registrar (Law),
No.143, P.S.Kumarasamy Raja Salai,
Chennai-600 028.
 2. The District Ad-Dravidar and Tribunal Welfare Officer,
Pudukkottai District, Pudukkottai.
 3. The Chief Educational Officer,
Pudukkottai District, Pudukkottai.
- + 1CC TO MR.A.MOHAN, ADVOCATE, SR.NO.97300

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